

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

SMARTPHONE TECHNOLOGIES, LLC,)	
)	
Plaintiff,)	
_____)	_____
v.)	
)	Civil Action No.
RESEARCH IN MOTION CORP., et al.,)	6:10-cv-0074-LED-JDL
)	
Defendants.)	JURY TRIAL DEMANDED
_____)	

**DEFENDANTS’ NOTICE OF PLAINTIFF’S NON-OPPOSITION TO DEFENDANTS’
OBJECTIONS TO AND MOTION FOR RECONSIDERATION OF THE
AMENDED MEMORANDUM OPINION AND ORDER REGARDING
CLAIM CONSTRUCTION (D.I. 402)**

Defendants Apple Inc. and AT&T Mobility LLC respectfully submit this Notice of Plaintiff’s Non-Opposition to Defendants’ Objections to and Motion for Reconsideration of the Amended Memorandum Opinion and Order Regarding Claim Construction (D.I. 402) (hereinafter “Motion for Reconsideration”). See D.I. 413. Defendants filed the Motion for Reconsideration on August 20, 2012. Pursuant to Local Rules 6 & 7, Plaintiff’s response was due on September 6, 2012. Plaintiff has failed to file a response in this matter.¹

For the reasons set forth in the Joint Claim Construction and Prehearing Statement, Defendants’ Responsive *Markman* Brief, the *Markman* hearing, and in Defendants’ Motion for Reconsideration (D.I. 413), Defendants respectfully request that the Court grant Defendants’ Motion for Reconsideration.

¹ Plaintiff filed a response to HTC’s Motion for Reconsideration of the Court’s Claim Construction Order in related Civil Action No. 6:10-cv-580-LED-JDL.

Dated: September 10, 2012

Respectfully submitted,

/s/ Jeffrey G. Randall

Jeffrey G. Randall

Lead Attorney

PAUL HASTINGS LLP

1117 S. California Avenue

Palo Alto, CA 94304-1106

Tel: (650) 320-1850

Fax: (650) 320-1950

jeffrandall@paulhastings.com

Allan M. Soobert

Kim Moore

PAUL HASTINGS LLP

875 15th Street, N.W.

Washington, DC 20005

Tel: (202) 551-1822

Fax: (202) 551-0222

allansoobert@paulhastings.com

kimmoore@paulhastings.com

Eric M. Albritton

Texas State Bar No. 00790215

ALBRITTON LAW FIRM

P.O. Box 2649

Longview, TX 75606

Tel: (903) 757-8449

Fax: (903) 758-7397

ema@emafirm.com

Attorneys for Defendant Apple Inc.

/s/ Bryant C. Boren, Jr.

BAKER BOTTS L.L.P.

Bryant C. Boren, Jr.,

Lead Attorney

State of Texas Bar No. 02664100

Christopher W. Kennerly

State of Texas Bar No. 00795077

Kevin E. Cadwell

State of Texas Bar No. 24036304

620 Hansen Way

Palo Alto, California 94304

Tel: (650) 739-7501

Fax: (650) 739-7601

bryant.c.boren@bakerbotts.com

chris.kennerly@bakerbotts.com

kevin.cadwell@bakerbotts.com

BAKER BOTTS L.L.P.

Jeffrey Baxter

State of Texas Bar No. 24006816

2001 Ross Avenue

Dallas, TX 75201

Tel: (214) 953-6500

Fax: (214) 953-6503

jeff.baxter@bakerbotts.com

Attorneys for Defendant AT&T Mobility LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on this 10th day of September, 2012. As of this date, all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Jeffrey G. Randall

Jeffrey G. Randall